

Serial No. 10/790,968  
Attorney Docket No. RSW92004009US1  
Response to Office Action mailed 1/31/2007

## II. REMARKS.

### 1. 35 USC 103(a) rejections.

a. The examiner rejected claims 1-34 under 35 USC 103(a) as being unpatentable over Erb (US 2004/0142703) in view of Hoshino (US 6,285,891).

b. The examiner rejected claims 1-34 under 35 USC 103(a) as being unpatentable over Erb in view of Nishimura (US 7,024,229).

### c. Response.

Applicant has amended each independent claim to recite the limitation "wherein the action is accomplished without a mode change control unit, a mode selection button, or a separation of an ambient sound into a speech component and a non-speech component." Hoshino discloses an apparatus and method that employs a mode change control unit and a mode selection button. Nishimura discloses an apparatus and method employing filtration of ambient sound by a filter section, an analysis section, and a decision section (See Fig. 1, item 15, 16 and 17). Applicant's claimed invention disclaims the use of the specific elements disclosed by Hoshino and Nishimura. Moreover, applicant's claimed invention eliminates these parts or steps, and so enables a user to program a cellular phone for multiple behaviors without the need for a mode change control unit or a sound filter.

Applicant submits that the claims distinguish over the prior art cited by the examiner and are in a condition for allowance.

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